



DOCKET NO. ETH 14321/01 01 2003

HB
MS
RECEIVED
TECH CENTER 1600/2300
OCT 01 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alireza Rezania, et al.
Serial No.: 09/745,783 Art Unit: 1617
Filed : December 22, 2000 Examiner: Webman, Edward J
For : Implantable Biodegradable Devices For Musculoskeletal Repair Or
Regeneration

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA, on

September 23, 2003

(Date of Deposit)

William K. Wissing

Name of applicant, assignee or Registered Representative

William K. Wissing

(Signature)

September 23, 2003

(Date of Signature)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

RESPONSE

Dear Sir:

This Response is filed in reply to the Office Action dated August 01, 2003, having a reply time of one month. With the Petition for a one-month extension of time filed herewith this Response is timely filed.

Remarks

Initially, Applicants wish to express appreciation for the time provided by the Examiner to discuss the Office Action.

The Application has been made subject to a species election as set forth in the Office Action. Applicants wish to make the following species elections.

With respect to polymers used to prepare fibers used in the construction of fibrous matrices of the present invention, Applicants elect biodegradable polymers over biodegradable non-polymers, without traverse. Applicants further elect aliphatic polyesters as the specific polymer species elected for examination, with traverse. Applicants admit that other polymer species claimed in claims 7 and 10 are obvious variants of aliphatic polyesters.

As to an organized network versus an unorganized network, Applicants respectfully note that all devices claimed comprise a fibrous matrix where the fibers are organized to provide the claimed properties. As such, Applicants respectfully submit that such an election is not necessary.